

EXECUTIVE SECRETARIAT Routing Slip

TO:

		ACTION	INFO	DATE	INITIAL
1	DCI				
2	DDCI				
3	EXDIR				
4	D/ICS				
5	DDI				
6	DDA				
7	DDO				
8	DDS&T				
9	Chm/NIC				
10	GC		✓		
11	IG				
12	Compt				
13	D/EEO				
14	D/Pers				
15	D/OEA				
16	C/PAD/OEA				
17	SA/IA		✓		
18	AO/DCI				
19	C/IPD/OIS				
20	C/SECOM		✓		
21					
22					

SUSPENSE _____ Date _____

Remarks:

[Signature]
Executive Secretary
2/28/83
Date

3637 (10-81)

THE WHITE HOUSE
WASHINGTON

Executive Registry
83-1128

February 27, 1983

TO: JAMES A. BAKER, III
CHIEF OF STAFF

FR: WILLIAM P. CLARK *WPC*
ASSISTANT TO THE PRESIDENT
FOR NATIONAL SECURITY AFFAIRS

SUBJECT: NSDD on Leaks

Jim:

On 17 August 1982, the attached NSDD was placed in the Darman system for comment and then presentation to the President. The directive resulted from an intensive interagency effort following several flagrant violations of law by disclosure of classified information similar to last week's disclosure of information concerning Sudan and Egypt. The delay in issuing this directive has led to questioning by the involved agencies. I believe we should move it.

Attachment:

Memo to the President
Dtd August 17, 1982,
"NSDD on Leaks"

cc Secretary of State
Secretary of Defense
Attorney General
Director of CIA

L117
NSDD 19



THE WHITE HOUSE

WASHINGTON

ACTION

August 17, 1982

MEMORANDUM FOR THE PRESIDENT

FROM: WILLIAM P. CLARK *WPC*

SUBJECT: NSDD on Leaks

Issue

Whether to issue a National Security Decision Directive on leaks.

Facts

On January 12, you signed NSDD-19, which directed the agencies to improve protection against unauthorized disclosures of classified information, i.e., leaks. A subsequent memorandum asked Justice to chair an interdepartmental review of the effectiveness of existing statutes and regulations in this area. Bill Smith has forwarded the results of this review, with a recommendation that a second, more specific NSDD be issued. Bill's recommended NSDD, which has been reviewed by all elements of the national security community, is at Tab A.

Discussion

There is broad interdepartmental consensus that a more detailed NSDD is needed to help stem the tide of unauthorized disclosures. However, a number of the agencies are concerned about the NSDD language on two points: media contacts and polygraphs (paragraphs 1-d and 5, respectively). Bill Smith believes, and I agree, that issuing the NSDD without these provisions will signal to leakers that our approach is no more stringent than the ineffective measures of past Administrations. I would note, too, that the NSDD simply requires the agencies to develop policies on these two points. It does not mandate the substance or applicability of these policies, so that the agencies are free to tailor the policies to their own circumstances. In sum, if we are serious about trying to stop leaks, we must be prepared to take strong action, press and agency criticism notwithstanding.

RECOMMENDATION

OK No

- _____ 1. That you sign the NSDD at Tab A.

Attachment

Tab A Proposed NSDD

Prepared by:
Robert M. Kimmitt

cc Vice President
Ed Meese

WASHINGTON

*National Security Decision
Directive Number*

Safeguarding National Security Information

Protecting against unauthorized disclosures of properly classified information is a matter of highest priority for this Administration. In addition to the requirements set forth in Executive Order 12356, and based on the recommendations contained in the interdepartmental report forwarded by the Attorney General, I direct the following:

1. Each agency of the Executive Branch that originates or handles classified information shall adopt internal procedures to safeguard against unauthorized disclosures of classified information. Such procedures shall at a minimum provide as follows:

a. All persons with authorized access to classified information shall be required to sign a nondisclosure agreement as a condition of access. This requirement may be implemented prospectively by agencies for which the administrative burden of compliance would otherwise be excessive.

b. All persons with authorized access to Sensitive Compartmented Information (SCI) shall be required to sign a nondisclosure agreement as a condition of access to SCI and other classified information. All such agreements must include a provision for prepublication review to assure deletion of SCI and other classified information.

c. All agreements required in paragraphs 1.a. and 1.b. must be in a form determined by the Department of Justice to be enforceable in a civil action brought by the United States. The Director, Information Security Oversight Office (ISOO), shall develop standardized forms that satisfy these requirements.

d. Appropriate policies shall be adopted to govern contacts between media representatives and agency personnel, so as to reduce the opportunity for negligent or deliberate disclosures of classified information. All persons with authorized access to classified information shall be clearly apprised of the agency's policies in this regard.

2. Each agency of the Executive Branch that originates or handles classified information shall adopt internal procedures to govern the reporting and investigation of unauthorized disclosures of such information. Such procedures shall at a minimum provide that:

a. All such disclosures that the agency considers to be seriously damaging to its mission and responsibilities shall be evaluated to ascertain the nature of the information disclosed and the extent to which it had been disseminated.

b. The agency shall conduct a preliminary internal investigation prior to or concurrently with seeking investigative assistance from other agencies.

c. The agency shall maintain records of disclosures so evaluated and investigated.

d. Agencies in the possession of classified information originating with another agency shall cooperate with the originating agency by conducting internal investigations of the unauthorized disclosure of such information.

e. Persons determined by the agency to have knowingly made such disclosures or to have refused cooperation with investigations of such unauthorized disclosures will be denied further access to classified information and subjected to other administrative sanctions as appropriate.

3. Unauthorized disclosures of classified information shall be reported to the Department of Justice and the Information Security Oversight Office, as required by statute and Executive orders. The Department of Justice shall continue to review reported unauthorized disclosures of classified information to determine whether FBI investigation is warranted. Interested departments and agencies shall be consulted in developing criteria for evaluating such matters and in determining which cases should receive investigative priority. The FBI is authorized to investigate such matters as constitute potential violations of federal criminal law, even though administrative sanctions may be sought instead of criminal prosecution.

4. Nothing in this directive is intended to modify or preclude interagency agreements between FBI and other criminal investigative agencies regarding their responsibility for conducting investigations within their own agencies or departments.

5. The Office of Personnel Management and all departments and agencies with employees having access to classified information are directed to revise existing regulations and policies, as necessary, so that employees may be required to submit to polygraph examinations, when appropriate, in the course of investigations of unauthorized disclosures of classified information. As a minimum, such regulations shall permit an agency to decide that appropriate adverse consequences will follow an employee's refusal to cooperate with a polygraph examination that is limited in scope to the circumstances of the unauthorized disclosure under investigation. Agency regulations may provide that only the head of the agency, or his delegate, is empowered to order an employee to submit to a polygraph examination. Results of polygraph examinations should not be relied upon to the exclusion of other information obtained during investigations.

6. The Attorney General, in consultation with the Director, Office of Personnel Management, is requested to establish an interdepartmental group to study the federal personnel security program and recommend appropriate revisions in existing Executive orders, regulations, and guidelines.

7. The Assistant to the President for National Security Affairs will monitor the development of agency regulations that implement this Directive.